



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2205113
Applicant Name: Dante Palmaffy for Delores Lane
Address of Proposal: 4217 50th Av S

SUMMARY OF PROPOSED ACTION

Master Use Permit to add 1200 square feet to an existing 614 square-foot single family residential structure and establish use as a day-care center. The center will have five employees to care for a maximum of 24 children. Parking for five (5) vehicles will be provided on-site.

The following approval is required:

Administrative Conditional Use - to allow a child care center in a single family residential zone (Section 23.44.022 Seattle Municipal Code (SMC)).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
 ☐ DNS with conditions
 ☐ DNS involving non-exempt grading, or demolition, or
 involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The 7,200 sq. ft. proposal site is located on the west side of 50th Avenue S, approximately 150 feet north of S. Genesee Street. A section of the lot, the southernmost 15 feet, is zoned Neighborhood Commercial (NC1-30'), with the northern 45 feet zoned Single Family (SF 5000). The subject site is relatively flat, with the existing structure (and proposed addition) located well to the rear of the lot. The proposed outdoor play area will be located west of the structure and fenced all around with a six foot solid wood fence. A six-foot high solid wood fence would extend around the site except for eastern property line. Accessory parking and drop-off and pick-up spaces are proposed to be provided on the eastern portion of the site. The proposed

childcare center abuts single family residences to the west and to the north. A 20-unit apartment building is located on the lot south of the proposed day care, with a surface parking lot for parking accessory to the apartment building abutting a portion of the site proposed for the day care. Current access to the site is by a curbcut off 50th Avenue S. The proposal will provide two curbcuts and one-way driveways connecting to the accessory parking and drop-off spaces. Properties in the general vicinity are primarily zoned SF 5000, with Neighborhood Commercial properties surrounding the intersection of 50th Avenue S. and S. Genesee St. There are eight single-family residences on either side of 50th Avenue S., on the block fronts between S. Genesee St. and S. Adams St. to the north.

Proposal Description

The applicant proposes to make alterations and to construct a 1200 square-foot addition to an existing 694 square-foot single family residence and to change the use from residence to a child care center for up to 24 children. Five parking spaces and two drop-off and pick-up spaces will be provided on the site to the east of the day-care structure. In addition, there will be room for other vehicles to queue on site. Hours of operation will be from 7:00 a.m. to approximately 5:30 p.m. Monday through Friday. The five staff members will normally arrive 30 minutes prior to opening and stay 30 minutes after the child care's closing. The institution will accommodate a maximum of 24 children: 4 infants, 6 toddlers and 14 pre-school children. The main floor will consist of infant, toddler, and pre-school rooms, together with bathroom, kitchen and office. The second floor will consist of a loft space with laundry, bath and storage for use only by the staff.

Public Comment

Notice of the proposed project was published on October 3, 2002. The public comment period ended on October 30, 2002. Four phone calls and one comment letter were received. The comments received focused on the parking and traffic impacts on the immediate vicinity especially during the morning and afternoon drop-off and pick-up periods.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE PERMIT (23.44.022 SMC)

SMC Section 23.44.022 sets forth the types of institutions that may be permitted as conditional uses in single family zones which includes child care centers.

D. General Provisions:

New or expanding institutions in single-family zones shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution master plan.

According to the plans submitted with the application, the proposal does not meet all the applicable development standards enunciated 23.44.008 through 23.44.016. Therefore, applicable criteria E-M of Section 23.44.022 (in italics) are discussed below.

E. Dispersion:

- 1. The lot line of any proposed new or expanding institution, other than child care centers locating in legally established institutions, shall be located six hundred*

feet (600') or more from any lot line of any other institution in a residential zone....

There are no other institutions located within 600 feet of the proposed daycare facility; therefore, the dispersion criterion is adequately met by the proposal site.

- F. *Demolition of Residential Structures.* *No residential structure shall be demolished nor shall its use be changed to provide for parking. This prohibition may be waived if the demolition or change of use proposed is necessary to meet the parking requirements of this Land Use Code and if alternative locations would have greater noise, odor, light and glare or traffic impacts on surrounding property in residential use. If the demolition or change of use is proposed for required parking, the Director may consider waiver of parking requirements in order to preserve the residential structure and/or use. The waiver may include, but is not limited to, a reduction in the number of required parking spaces and a waiver of parking development standards such as location or screening.*

Although the existing residential structure will be altered and a portion of it removed, it will not be demolished nor will its use be changed to provide for parking.

- G. *Reuse of Existing Structures.* *Existing structures may be converted to institution use if the yard requirements for institutions are met. Existing structures which do not meet these yard requirements may be permitted to convert to institution use, provided that the Director may require additional mitigating measures to reduce impacts of the proposed use on surrounding properties.*

The existing single family structure has a five foot side yard to the north. Likewise, even after removing bump-outs at the rear of the existing structure, a rear yard of 20 feet will be provided, less than the 24-foot rear yard required per SCM 23.44.014B. The applicant shall provide a six-foot solid wood perimeter fence with landscaping inside the fence along the northern property line, as indicated on the site plan submitted with the proposal. A solid wood fence, 6-foot in height, shall be provided all along the west property line, separating the lot from the single-family lot immediately to the rear. This too is indicated on the site plan submitted with the proposal. The proposed fences and landscaping would adequately mitigate impacts to the properties to the north, south and to the west.

- H. *Noise and Odors.* *For the purpose of reducing potential noise and odor impacts, the Director shall consider the location on the lot of the proposed institution, on-site parking, out-door recreational areas, trash and refuse storage areas, ventilating mechanisms, sports facilities and other noise-generating and odor-generating equipment, fixtures or facilities. The institution shall be designed and operated in compliance with the Noise Ordinance, Chapter 25.08.*

In order to mitigate identified noise and/or odor impacts, the Director may require measures such as landscaping, sound barriers or fences, mounding or berming, adjustments to yard or parking development standards, design modifications, setting hours of operation for facilities or other similar measures.

The child care center operates from 7:00 a.m. to 6:00 p.m. each day Monday to Friday. A six-foot high solid wood fence will enclose the outdoor play area and provide a reflective barrier to mitigate noise. The additional noise created by children playing in the outdoor playing area is considered minor and no further conditioning for noise impacts is warranted. The site plan

indicates adequate space for garbage and recycling containers located between the structure and the south property line. No adverse noise and odor impacts are anticipated.

- I. Landscaping. *Landscaping shall be required to integrate the institution with adjacent areas, reduce the potential for erosion or extensive stormwater runoff, reduce the coverage of the site by impervious surfaces, screen parking from adjacent residentially zoned lots or streets or to reduce the appearance of bulk of the institution.*

Landscaping plant materials shall be species compatible with surrounding flora. Existing plant material may be required to be retained. Maintenance of landscaped areas shall be the continuing responsibility of the owner.

According to the information provided on plan sets submitted with the application, five parking spaces and two five-minute load and unload spaces will be provided between to structure and the front property line. A 6-foot high fence located along the north and south property lines, with landscaping inside the fences, will provide screening of the parking area from the adjacent properties abutting the site. A landscaped area, including integrally designed signage, along the front property line will contribute to integrating the day-care facility within the residential portion of 50th Avenue S. A condition will be imposed to require maintenance of the fence, signage and landscaping in order to integrate the institution with the adjacent residential area.

- J. Light and Glare. *Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots. The Director may also require that the area and intensity of illumination, the location or angle of illumination be limited. Non-reflective surfaces shall be used to help reduce glare.*

The proposed lighting will not cause any light and glare impacts on site and no new exterior lighting has been proposed by the applicant. The project will be conditioned so that the addition of any exterior lighting on site will be so designed as not to cause glare or light trespass onto adjacent single-family lots.

- K. Bulk and Siting:

1. *Lot area. If the proposed site is more than one (1) acre in size, the Director may require the following and similar development standards:*

The site is less than one acre in size so these criteria are not applicable to the child care center.

2. *Yards. Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than ten feet (10') to the side lot line. The Director may permit yards less than ten feet (10') but not less than five feet (5') after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.*

This criterion is addressed under the discussion of the reuse of an existing structure. A five foot side yard will be provided along the north side of the structure, a twenty foot rear yard will be provided to the west of the structure. Please refer to # G above

3. *Institutions Located on Lots in More Than One (1) Zone Classification. For lots which include more than one (1) zone classification, single-family zone provisions shall apply only to the single-family-zoned lot area involved.*

The site is located in both a Commercial (NC1-30') and single-family zone (SF5000). Portions of the development within the single-family zone would meet the minimal development standards for yards under section K2 above and as discussed under Subsection G. above.

4. *Height Limit. A religious symbol and that portion of the roof supporting it, including but not limited to a belfry or a spire, may extend an additional twenty-five feet (25') above the height limit.*

A religious symbol is not proposed above the existing roof.

5. *Facade Scale. If any facade of a new or expanding institution exceeds thirty feet (30') in length, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.*

Although the proposed façade adjacent to the street is approximately 50 ft. in breadth, the structure shall contain, per plan, several design features -- including a residentially-scaled entry porch, a broad, low, street-facing gable with architectural brackets, a 2x8 horizontal belly band at the top-of-upper plate level, six-inch lap siding and residentially styled and scaled windows and trim -- which will contribute to making the day-care facility compatible with other houses in the neighborhood. The facility shall be constructed per plan and no further mitigation of bulk will be necessary or required. Any modification of the front façade shall require prior approval of the land use planner before a construction permit will be issued.

L. Parking Requirements.

1. *Quantity and Location of Off-street Parking.*

a. *Use of transportation modes such as public transit, vanpools, carpools and bicycles to reduce the use of single-occupancy vehicles shall be encouraged.*

According to plans submitted with the application, adequate parking for day care staff will be provided on site.

b. *Parking and loading shall be required as provided in Section 23.54.015.*

The applicant has indicated that there will be five staff present at the day care center. For a child care center, the Land Use Code requires one space for each 10 children or each staff member, whichever is greater. Five off-street parking spaces are provided on site. In addition, two off-street drop-off and pick-up areas would be provided on site as well as on-site room for queueing of vehicles for drop-off/pick-up.

c. *The Director may modify the parking and loading requirements of Section 23.54.015, required parking, and the requirements of Section 23.44.016, Parking location and access on a case-by-case basis using the information contained in the transportation plan prepared pursuant to subsection M of*

this section. The modification shall be based on adopted City policies and shall:

- i. Provide a demonstrable public benefit such as, but not limited to, reduction of traffic on residential streets, preservation of residential structures, and reduction of noise, odor, light and glare; and*
- ii. Not cause undue traffic through residential streets nor create a serious safety hazard.*

The code-required parking for this project will be provided on-site. Per SMC 23.44.016 C2, parking would not be allowed except under certain topographically defined circumstances in the required front yard within single-family zones. For the convenience and safety of unloading and loading children on site and for the functional efficiencies for providing adequate access and queueing on site, the two drop-off/pick-up spaces will be provided close to the building and designated longer-term staff parking spaces shall be allowed to encroach into the front yard. In addition, SMC 23.47.032B would prohibit parking in front of the structure in an NC1 zone. An accessible parking space and aisle will be provided, as per plan, and allowed in front of the structure within the NC1 zone as a reasonable accommodation for providing accessible parking close to the structure. The on-site parking will be screened from adjacent properties and from the street as provided on the approved set of plans.

- 2. Parking Design. Parking access and parking shall be designed as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.*

Access will be provided to and from the on-site parking via two curbcuts and a one-way circular driveway which allows for queueing on site. The applicant shall provide five (5) parking spaces on-site and two on-site drop off/pick-up areas.

M. Transportation Plan. A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of structure area and/or are required to provide additional twenty (20) or more parking spaces.

The child care center is less than 4,000 sq. ft. and only five on-site parking spaces are provided so a full transportation plan is not required for this proposal. A Modified Transportation Plan has been requested and supplied by the applicant, however.

Based upon their review of traffic and parking needs associated with the proposed Heaven Scent Daycare Center, most of the activities on the site normally occur between 7:00 a.m. and 5:30 p.m. It is estimated that children will be dropped-off in the morning proportionately over a two hour period (7:00-9:00) and picked-up in the evening, again proportionately over a two hour period (3:30-5:30). The number of vehicular trips that would be associated with the proposal would be 58 trips per day. This number includes the twenty four children and five staff members who may drive to the site thus generating 29 vehicular trips in the morning and 29 vehicular trips in the afternoon/evening for a total of 58 vehicular trips. Anticipating staff shift changes and day-trips for supplies, the maximum total number of trips could reach 70.

There are two designated “5-minute” drop-off/pick-up spaces provided on site. The design of the one-way driveway to and from the parking and drop-off/pick-up spaces allows for two cars to be queued on site. Because of the layout of the driveways and the parking spaces for staff and the short -term drop-off/pick-up spaces, an expanded window of arrival and departure times, and the provision for queueing on-site, the proposal would anticipate a need for one off-site parking space. Arrivals and departures are expected to be brief and scheduled by parents who are familiar with traffic movements on 50th Avenue S. This conclusion is based on the fact that the parents would use this route on a daily basis and may already live in the neighborhood. The project is not likely to adversely affect parking in the vicinity.

The report included as part of the Modified Transportation Plan does note that, should the unanticipated happen, there would be limited street parking available. Although there is no street parking permitted for the west side of 50th Avenue S., random site visits during the work day have shown there to be between two and five parking spaces available along the east side of 50th Avenue S.

It is the intention of the applicant, as stated in the Modified Transportation Plan, to establish a “good neighbor” policy regarding any potential parking/ transportation issues and conflicts, particularly with residents of single-family residences in the immediate area. The Day Car facility will create a feedback loop, requesting direct reporting of conflicts from neighbors and directly communicating actual and potential conflicts and concerns to parents as they enroll their children and as regular feedback during their continued enrollment. To this end the project shall be conditioned to implement a monitoring and reporting mechanism. Letters shall be sent to each single-family residence along 50th Avenue S. located between S. Adams St. and S. Genesee St., inviting a reporting of concerns to the Day Care Center. The “Good Neighbor” policy will be part of each orientation packet presented to enrolling parents, and *ad hoc* and periodical reporting of the Center’s and neighbors’ legitimate concerns shall be conveyed to enrolled parents by means of letter, newsletter or other appropriate means. The phone number of the Day care Center shall be part of the letter sent to neighbors and prominently displayed on the sign located on site in front of the parking and facing 50th Avenue S.

Since one of the parking spaces provided on site is a required accessible parking space meeting the requirements of WAC 51-40-1107 and WAC 51-40-1108, it will meet the requirements of SMC 23.54.015, but it will not provide for a designated staff parking space on site. Therefore the owner(s)/operator(s) of the day care facility shall be required to implement, facilitate, and provide for inspection, a formal policy and program for staff parking that provides for car-pooling, use of public transportation or other innovative means to minimize the need for off-site, on-street staff parking.

Administrative Conditional Use General Provisions (SMC 23.44.018)

- A. *Only those conditional uses identified in this subchapter as conditional uses may be authorized as conditional uses in single family zones. The Master Use Permit process set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, shall be used to authorize conditional uses.*

The Department recognizes the public benefit achieved by accommodating institutions such as child care centers in single family zones. The Land Use Code, as an enunciation of City policy,

allows these institutions in single family zones, but establishes the administrative conditional use process as the mechanism for screening and mitigating impacts related to the uses. The proposed facility, as conditioned by the Department, is identified as a conditional use which can be authorized in a single family zone.

B. Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Sections 23.44.006 through 23.44.016.

The subject proposal meets all of the development standards for uses permitted outright or the allowable exceptions of subchapter 23.44.018.

C. A conditional use may be approved, conditioned or denied based on a determination of whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

The proposal, as discussed under the specific criteria (SMC 23.44.022), meets the criteria for establishing a specific conditional use and has been conditioned such that the potential negative impacts are substantially mitigated.

D. In authorizing a conditional use, the Director or Council may mitigate adverse negative impacts by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or vicinity in which the property is located.

The conditions which mitigate the potential adverse impacts of this use will require maintenance of the landscaping, trash receptacles, directing and shielding exterior lighting from surrounding residential properties, and maintaining a fence to mitigate noise impacts. Additionally, the project is conditioned to monitor and adjust to neighbors' legitimate parking and traffic concerns. These conditions combine to provide reasonable mitigation for the proposed child care center and are authorized by this provision.

Conclusion

Based on the foregoing analysis and review, the proposed action satisfies all the relevant requirements of 23.44.018 and 23.44.022 governing administrative conditional uses in single family zones. It is the Director's determination that the proposal as conditioned would not be materially detrimental to the public welfare nor injurious to property in the zone or vicinity in which the child care center will be located, and should be granted.

DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT

The application for an administrative conditional use is **CONDITIONALLY GRANTED.**

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE PERMIT

Prior to Issuance of Certificate of Occupancy

The owner(s) and/or responsible party(s) shall:

1. Before opening the facility, send letters to each single-family residence located along 50th Avenue S. between S. Adams St. and S. Genesee St., announcing the opening of the facility and inviting neighbors to report parking and traffic concerns directly to the Day Care Center and provide the phone number for the Center.
2. Implement, facilitate, and provide for inspection, a formal policy and program for staff parking that provides for car-pooling, use of public transportation or other innovative means to minimize the need for off-site, on-street staff parking.

Permanent for the Life of the Project

The owner(s) and/or responsible party(s) shall:

1. Provide care at this site for up to a maximum of twenty four (24) children.
2. Maintain a perimeter fence and landscaping to mitigate noise impacts.
3. Shield and direct any present or future exterior lighting away from adjacent residentially-zoned lots.
4. Provide trash receptacles per the approved plan.
5. Provide a map/ diagram of the parking drop-off /pick-up areas and approved queueing on site as well as a "Good Neighbor" policy letter to new parents at the time of enrollment in order to help reduce drop off and pick-up activities on the street.
6. The phone number for the Day Care Center will be displayed prominently on the sign to be provided on-site per plan along 50th Avenue S.

Signature: (signature on file) Date: February 26, 2004
Michael M. Dorcy, Land Use Planner
Department of Planning and Development
Land Use Services